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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,409	02/27/2004	Matthias Dutsch	DUTSCH-2	5230
20151	7590	11/17/2004	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			JARRETT, RYAN A	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/789,409	DUTSCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan A. Jarrett	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 2/27/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, per claim 6, the simultaneous visualization of at least two parts programs in ASCII source code must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Therefore, per claim 9, the configuration instructions for combining several steps to a higher-level step or to a hierarchical plane must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Therefore, per claim 10, the association parameter for combining several steps to a higher-level step or to a hierarchical plane must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Therefore, per claim 11, the configuration instructions for storing step identifiers, symbols or hierarchical planes directly in the parts program must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Art Unit: 2125

Therefore, per claim 12, the configuration instructions for storing step identifiers, symbols or hierarchical planes directly in the parts program independently of the configuration file must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Since the configuration file of claim 3 stores an association between the key terms and the task-oriented steps, then the “identification” of the task-oriented steps must necessarily be stored in the configuration file.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmitt et al. US 2002/0046397. Schmitt et al. discloses:

**Claim 1** A method for generating and visualizing a task-oriented step representation of at least one parts program in machine tools or production machines, comprising the steps of: searching the parts program using a syntax analyzer for key terms; generating the task-oriented step representation of the at least one parts program based on the key terms found in the search; and visualizing the task-oriented step representation to a user (e.g., [0034]-[0036], [0049], [0092], [0093]).

**Claim 2** The method of claim 1, wherein defined instructions selected from the key terms comprise unchangeably defined instructions selected from synchronization instructions and user cycle instructions and syntax segments of the synchronization and user cycle instructions, and a combination thereof (e.g., [0034]-[0036], [0049], [0086], [0092], [0093]).

**Claim 3** The method of claim 1, wherein the key terms and an association between the key terms and the task-oriented steps are stored in a configuration file that can be changed by the user and read by the syntax analyzer (e.g., [0034]-[0036], [0049], [0092], [0093], Fig. 2). *Examiner's note: The compiler of Schmitt transforms the structured text into graphical elements based on syntactical and geometric information in the form of markings that are contained in the structured text. Therefore, an*

*association between the structured text and graphical elements inherently exists in the compiler program.*

**Claim 4** The method of claim 3, wherein a corresponding identification of the task-oriented steps is stored in the configuration file (e.g., [0034]-[0036], [0049], [0092], [0093], Fig. 2).

**Claim 5** The method of claim 1, wherein the task-oriented step representation is visualized by an editor (e.g., [0049]).

**Claim 6** The method of claim 5, wherein the editor simultaneously visualizes at least two parts programs as a step representation of the task-oriented steps (e.g., Fig. 6, [0045], [0084]-[0086]).

**Claim 7** The method of claim 5, wherein the task-oriented step representation is visualized as a normalized or a synchronized step representation, or both (e.g., Fig. 6, [0045], [0084]-[0086]).

**Claim 8** The method of claim 1, wherein individually performed tasks in the task-oriented step representation are graphically displayed by step-specific symbols associated with a step (e.g., Fig. 4).

**Claim 11** The method of claim 1, wherein the parts program further includes configuration instructions for storing step identifiers, symbols or hierarchical planes directly in the parts program (e.g., [0049]).

**Claim 12** The method of claim 3, wherein the parts program further includes configuration instructions for storing step identifiers, symbols or hierarchical planes directly in the parts program independently of the configuration file (e.g., [0049]).

**Claim 13** The method of claim 5, wherein the parts program further includes a definition file for causing the editor to highlight defined instructions or key terms, or both (e.g., [0079]).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al. as applied to claims 1 and 3 above.

Schmitt does not explicitly disclose an association parameter or configuration instructions for combining several steps into a higher-level step. However, the structured text program of Schmitt consists of several low-level steps or lines of code elements (e.g., [0092], Fig. 8). And the outputted graphical flow chart generated by the compiler consists of high-level steps (e.g., Figs. 4-6). Schmitt is generally silent as to the details of the compiler conversion process. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to associate or group the several steps of the structured text program of Schmitt into a higher-level step since Schmitt teaches that several low level text steps are converted into a higher level group of flow chart steps. Thus, there is no one-to-one correspondence of elements in the conversion process of Schmitt and an association of several steps into one would

Art Unit: 2125

have not only been obvious to one of ordinary skill in the art, but also necessary to implement the method of Schmitt.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan A. Jarrett  
Examiner  
Art Unit 2125

11/14/04

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